

PETTY OFFENSE MO ☐ JUDGE/MAGISTRATE: Assigned U.S. vs. DuBOIS, Dennis Eugene (21)
 OTHER MINOR OFFENSE MO ☐ 1085 4 8509
 OTHER MISDEMEANOR Mis ☐ Disp./Sentence
 FELONY Fel ☒ District Office 10-13-76 (LAST, FIRST, MIDDLE)

Case Filed
 Mo. Day
 9 2
 No. of Def's
 * 2

76-CR-118 - 1

Yr. Docket No. Def.

U.S. MAG.
CASE NO.U.S. TITLE/SECTION
18:1992

OFFENSES CHARGED

ORIGINAL COUNTS

attempting to disable train moving in 1
 interstate commerce
 (\$10,000 and/or 20 years)

BAIL • RELEASE

Denied AMT ☐ Fugitive
 Set ☐ Pers. Recog.

\$ 20 000 ☐ PSA
 conditions

Date 9-2-76 ☒ 10% Deposit
☒ Surety Bond / C

☒ Bail Not Made ☐ Collateral
☐ Status Changed (See Docket) ☐ 3rd Ptry Cust ☐ Other

SUPERSEDING
COUNTS

II. KEY DATES & INTERVALS

ARREST or	INDICTMENT	ARRAIGNMENT	TRIAL	SENTENCE
U.S. Custody Began 9-7-76	High Risk Date 9-2-76	1st Plea 9-8-76	Trial Set For 10-18-76	Disposition of Charges 10-13-76
Summons Served	Indict. Waived <input type="checkbox"/>	Final Plea 10-5-76	Voir Dire <input type="checkbox"/>	<input checked="" type="checkbox"/> Convicted
First Appearance	In Charging District	<input checked="" type="checkbox"/> NG <input type="checkbox"/> G <input type="checkbox"/> NOL <input type="checkbox"/> W/Drawn	Trial Began <input type="checkbox"/>	<input checked="" type="checkbox"/> On All Charges
	Superseding <input type="checkbox"/> Indict/Info <input type="checkbox"/>	<input type="checkbox"/> NG <input checked="" type="checkbox"/> G <input type="checkbox"/> NOL	Trial Ended <input type="checkbox"/>	<input type="checkbox"/> On Lesser * Offense(s)
				<input type="checkbox"/> Dismissed: <input type="checkbox"/> WOP: <input type="checkbox"/> WP
				<input type="checkbox"/> On Govern'ts Motion

MAGISTRATE

DATE	INITIAL/NO.	INITIAL APPEARANCE DATE	INITIAL/NO.	OUTCOME:
Search Warrant	Issued	9/7/76	MLB/85AA	<input type="checkbox"/> DISMISSED
Summons	Issued			<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
Arrest Warrant Issued	Served			<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW
COMPLAINT				
OFFENSE (In Complaint)				

U.S. Attorney or Asst.

Ben F. Baker

ATTORNEYS

Defense: ☐ CJA, ☒ Ret, ☐ Waived, ☐ Self, ☐ None / Other: ☐ PD, ☐ CD

Gary Mallow 780 2177
 Grove, OK 74344

Jim H. Heslet
 1809 Fourth Natl. Bg.
 Tulsa, Ok. 74119

* Show last names and suffix numbers of other defendants on same indictment/information:

DATE	(DOCUMENT NO.)	PROCEEDINGS	EXCLUDABLE DELAY (a) (b) (c) (d)
9-2-76		Record vote of grand jury, filed in open court. rm	
9-2-76		Indictment, filed in open court. Bond set at \$20,000 C/S. (AEB-J)rm	2 9-2-76 M
9-3-76		Warrant for arrest of def. issued. rm	
9-3-76		MO: Case Set for arraignment & plea for Wednesday, 9/8/76 at 10 a.m. (AEB-J)rm	
9-3-76		Petition for WHCAP, filed. rm	
9-3-76		Order, filed, granting WHCAP. (AEB-J)b	
9-3-76		Writ issued. rm	
9-7-76		First appearance before Mag. Bradford. ns	2 9-7-76 M 6 de
9-7		Information Sheet, fld. v	
9-7		Waiver of Counsel, fld. v	
9-8-		Case called for arraignment. Deft. present & represented. Govt represented by N. Graham for Baker. Deft. acknow. receipt of indict; is advised of charged, is arraigned & enters plea of NOT GUILTY. Deft. given 10 days to file motions; Govt. 5 days to respond. Case set for jury trial 10-18-76, 9:30 A.M. Deft. remanded to USM. (AEB-J)b	

DATE		IV. PROCEEDINGS (continued)		PAGE TWO		V. EXCLUDABLE DELAY				For Identifying Periods of Exclud- able Delay Per 18 U.S.C. 3161(h)	
(DOCUMENT NO.)						Interval Section II (a)	Start Date End Date (b)	Lit. Code (c)	Total Days (d)		
9-14-76	WHCAP, ret. & filed: deft. DuBois transported from Rogers County Jail to Fed. Bg., Tulsa and returned him to Rogers County Jail on 9-7-76; and transported him from Rogers County Jail to Fed. Bg., Tulsa on 9-8-76 and returned him to Rogers County Jail same date. g									A. Examination or hearing for mental or physical incapacity (18 U.S.C. 4244).	
9-16	MO: Upon oral application by Deft. Ct. granted until Sept. 24, 1976 for filing of motions. (AEB-J) b nts by phone									B. NARA Examination (28 U.S.C. 2902).	
9-27	MO: Case set for jury trial 10-18-76, 9:30 A.M. (AEB-J) b nts by cert ml									C. State or Federal trials on other charges.	
9-27	Pltf. is response to pretrial mot. of deft. Carter									D. Interlocutory Appeals.	
9-29	MO: Case set for change of plea on 10-5-76, at 11:30 A.M. (AEB-J) b nts mld									E. Hearings on pretrial motions.	
9-29	Petition for writ of h.c. ad prosq, in re of chg. of plea set for 10-5-76, filed.s									F. Transfers from other districts (per F.R.Cr.P. Rules 20, 21 & 40).	
9-29	Order, filed, granting writ of habeas corpus ad. prosq. Writ issued. s (AEB-J)									G. Defendant Motion is actually under advisement. Period of up to 30 days is excludable per 3161(h) (1) (G).	
10-5	Case called for hearing change of plea. Deft. present & re-presented. Govt. represented. Deft. placed under oath & w/draws plea of Not Guilty and enters plea of GUILTY & is adjudged GUILTY as charged. Deft. waives jury; waiver signed & filed in open court. Indict. read. Sentencing set on 10-13-76, at 11:30 A.M. Deft. remanded to USM. Pre-sentence report ordered. (AEB-J) b									H. Miscellaneous Proceedings: Probation or Parole revocation, Deportation, Extradition.	
10-12	Petition for writ of h.c. ad prosq, in re of sentencing set on 10-13-76 at 11:30 a.m., filed.									I. Prosecution deferred by mutual agreement.	
10-13	Writ issued. s O to J									M. Unavailability of defendant or essential witness.	
10-13	Order, filed, granting WHCAP. b									N. Period of mental or physical incompetence of defendant to stand trial.	
10-13	Case called for sentencing. Deft. present & represented. Govt. represented. Deft. & co. asked if they have anything to say before sentence is pronounced: Judgment & Sentence - Dennis Eugene DuBois Treatment & supervision until discharged by the Fed. YCA as provided by T. 18, 5010(b). Deft. remanded to USM. (AEB-J) b									O. Period of NARA Commitment or Treatment.	
10-13	Judgment & Commitment, filed & entered. (AEB-J) b									P. Superseding indictment and/or new charges.	
10-13	Two c/c of J&C to USM. b									R. Defendant awaiting trial of Co-defendant when no severance has been granted.	
10-13	WHCAP, ret. & filed: deft. Dennis Eugene Dubois transported from Rogers Co. Jail to Fed. Ct. House and transported him back to Rogers County Jail on 10-5-76.s									T. Continuances Granted per 3161(h) (5) (i.e. ends of justice or complexity of case outweighs defendants interests).	
10-19	WHCAP, ret. & filed: deft. transported to Tulsa from Rogers County Jail, Claremore on 10-13-76, and returned on 10-13-76. g									U. Time between guilty plea and plea withdrawal.	
10-19	W/Arrest, ret. & filed unexecuted. g									W. Grand Jury indictment extended per 3161 (b).	
11-2	U.S. Marshal's return on J & C, filed.s Executed by delivering deft. to Tulsa Cty Jail on 10-13-76 and by delivering deft. to FCI at Texarkana, Tex. on 10-28-76.s										
FINE AND RESTITUTION PAYMENTS											
DATE		RECEIPT NUMBER		C.D. NUMBER		DATE		RECEIPT NUMBER		C.D. NUMBER	

DATE 1977	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
2-8	Deft's motion to modify sentence, filed.s Cy to Dene				
2-8	Deft's brief in support of mot. to modify sentence, filed.s Cy to Dene				
2-10	Order, filed, overruling motion for modification of sentence. (AEB-J)g cp mld.				
9-12	Deft. mot. w/order granting leave to proceed in forma pauperis & supp. affid. fld. (AEB-J) ho cps to USAtty				
9-12	Deft. mot. to vacate, set aside, or correct sentence. fld. ho cps to U.S. Atty.				
12-1	Order, filed & entered, overruling Movant's request for release on personal recognizance and for appointment of counsel; motion pursuant to 28 USC 2255 overruled without prejudice. (AEB-J)g cpy to DuBois, Warden, FCI, Texarkana & U.S. Atty.				
7-15-82	CERTIFICATE setting aside conviction.a				

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

[illegible]

PETTY OFFENSE PO ☐ JUDGE/MAGISTRATE Assigned U.S.
 OTHER MINOR OFFENSE MO ☐ 1085/4 8509 vs. CARTER, Roy Edward (Jail) (25)
 OTHER MISDEMEANOR Mis ☐ Disp./Sentence
 FELONY Fel ☒ District Office 10-13-76 (LAST, FIRST, MIDDLE)

Case Filed
Mo. Day
9 2
No. of Def's
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76-CR-118 - 2

Yr. Docket No. Def.

U.S. TITLE/SECTION

OFFENSES CHARGED

ORIGINAL COUNTS

18:1992

attempting to disable train moving in 1
 interstate commerce
 (\$10,000 and/or 20 yrs)

2255 Mot. John Tanner

2404 4th Natl. Bk. Bldg.
 Tulsa, OK 74119
 918/582-4161

Nancy

II. KEY DATES & INTERVALS

ARREST or	INDICTMENT	ARRAIGNMENT	TRIAL	SENTENCE
U.S. Custody Began 9-7-76	High Risk Date 9-2-76	9-8-76	Trial Set For 10-18-76	Disposition of Charges 10-13-76
Summons Served	Information <input type="checkbox"/>	1st Plea 9-8-76	Voir Dire <input type="checkbox"/>	<input checked="" type="checkbox"/> Convicted
First Appearance	Indict. Waived <input type="checkbox"/>	Final Plea 10-5-76	Trial Began <input type="checkbox"/>	<input type="checkbox"/> Acquired
	In Charging District	Superseding <input type="checkbox"/> Indict/Info <input type="checkbox"/>	Trial Ended <input type="checkbox"/>	<input type="checkbox"/> Dismissed
		NG <input checked="" type="checkbox"/> G <input type="checkbox"/> NOL		<input type="checkbox"/> On Government's Motion

SUPERSEDING
COUNTS

BAIL • RELEASE

AMT ☐ Fugitive
 Denied ☐ Set ☐ Pers. Recog.
 PSA

\$ 20 000
 Date 9-2-76
 10% Deposit
 Surety Bond /C
 Collateral
 3rd Prty Cust Other

MAGISTRATE

Suppl. 12-8-80.

Search Warrant	Issued	DATE	INITIAL/NO.	INITIAL APPEARANCE DATE	INITIAL/NO.	OUTCOME:
Summons	Issued			9-7-76	MLB/85AA	<input type="checkbox"/> DISMISSED
Arrest Warrant Issued	Return					<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
COMPLAINT	Served					<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW:
OFFENSE (In Complaint)						

U.S. Attorney or Asst.

ATTORNEYS

Defense ☒ JA ☐ Ret; ☐ Waived; ☐ Self; ☐ None / Other: ☐ PD; ☐ CD

Ben F. Baker

James Lang PH: 583-3145
 Thurston Ntl. Bldg., Tulsa, OK 74103

2255 Mot. John Tanner, 2404 4th Natl. Bk. Bldg.
 Tulsa, OK 74119 918/582-4161

* Show last names and suffix numbers of other defendants on same indictment/information:

DuBois (1)

DATE	(DOCUMENT NO.)	PROCEEDINGS	EXCLUDABLE DELAY
9-2-76		Record vote of grand jury, filed in open court. rm	(a) (b) (c) (d)
9-2-76		Indictment, filed in open court. Bond set in amt. of \$20,000 C/S. (AEB-J)rm	2 9-2-76 M
9-3-76		Warrant for arrest of def. issued. rm	
9-3-76		MO: Case set for arraignment and plea for Wednesday, 9/8/76 at 10 a.m. (AEB-J)rm	
9-3-76		Petition for WHCAP, filed. rm	
9-3-76		Order, filed granting WHCAP. (AEB-J)b	
9-3-76		Writ issued. rm	
9-7-76		First appearance before Mag. Bradford. ns (Counsel appt.)	2 9-7-76 M 6 da
9-7		Info. sheet, fld. v	
9-7		Waiver of counsel, fld. v	
9-7		Financial aff., fld. v	
9-8		Case called for arraignment. Deft. present & re-presented. Govt represented by N. Graham for Baker. Deft. co. James Lang announces to Ct. that Terry Meltzer is to be retained co. for Deft. & Lang will represent Deft. for arraignment only. Ct. allows. Deft. acknow. receipt of indict; is advised of charge;	

DATE	IV. PROCEEDINGS (continued)	PAGE TWO	V. EXCLUDABLE DELAY				For Identifying Periods of Excludable Delay Per 18 U.S.C. 3161(h)
	(DOCUMENT NO.)		Interval Section II (a)	Start Date End Date (b)	Ltr. Code (c)	Total Days (d)	
9-8- cont.	is arraigned & enters plea of NOT GUILTY. Deft. is given 10 days to file motions; Govt. 5 days to respond. Case set for jury trial 10-18-76, 9:30 A.M. Deft. remanded to USM.(AEB-J)b						A. Examination or hearing for mental or physical incapacity (18 U.S.C. 4244).
9-14-76	WHCAP, ret. & filed: deft. Carter transported from Rogers County Jail to Fed. Bg., Tulsa, and returned to Rogers County Jail on 9-7-76; and transported from Rogers County Jail to Fed. Bg., Tulsa and returned to Rogers County Jail on 9-8-76. g						B. NARA Examination (28 U.S.C. 2902).
9-17	Deft's appl. for time til 10-6-76 to file mots, fld.k						C. State or Federal trials on other charges.
9-21	Order, filed, granting deft. Carter until 9-24-76 to file PT motions. (AEB-J)g cp mld.						D. Interlocutory Appeals.
9-24-76	Deft's motion & memorandum to dismiss indictment, filed.k cpy to Dene <i>cy to M-LB-Ming</i>						E. Hearings on pretrial motions.
9-24-76	Request & memorandum in support of discovery & inspection, filed.k cpy to Dene <i>cy to M-LB-Ming</i>						F. Transfers from other districts (per F.R.Cr.P. Rules 20, 21 & 40).
9-27-76	MO: The motion for discovery and inspection of deft. Roy Edward Carter be and it is hereby transferred to Magistrate Morris L. Bradford for hearing and disposition pursuant to Local Court Rules 14(e) and 34(c)(5).s (AEB-J) cps. mld. <i>cy to M-LB-Ming</i>						G. Defendant Motion is actually under advisement. Period of up to 30 days is excludable per 3161(h) (1) (G).
9-27	MO: Case set for jury trial 10-18-76, 9:30 A.M. (AEB-J)b nts by cert ml						H. Miscellaneous Proceedings: Probation or Parole revocation, Deportation, Extradition.
9-27	Pltf.'s response to pretrial mot. of Deft. Carter, fld. v	3		9-27-76			I. Prosecution deferred by mutual agreement.
10-4	Petition for writ of h.c. ad prosq, in re of chg. of plea set for 10-5-76, filed. Writ issued.s O to J						M. Unavailability of defendant or essential witness.
10-4	Order, filed, granting writ of habeas corpus ad. prosq. (AEB-J)						N. Period of mental or physical incompetence of defendant to stand trial.
10-5	Case called for hearing change of plea. Deft. present & represented. Govt. represented. Deft. placed under oath & w/draws plea of Not Guilty & enters plea of GUILTY & is adjudged GUILTY as charged. Deft. waives jury; waiver signed & filed in open court. Indict. read. Sentencing set on 10-13-76, at 11:30 A.M. Deft's motion to dismiss is overruled as moot. Deft. remanded to USM. Pre-sent. report ordered.(AEB-J)b	3		10-5-76		9 das	O. Period of NARA Commitment or Treatment.
10-12	Petition for writ of h.c. ad prosq, in re of sentencing set for 10-13-76 at 11:30 a.m., filed. Writ issued. O to J						P. Superseding indictment and/or new charges.
10-13	Order, filed, granting WHCAP. b						R. Defendant awaiting trial of Co-defendant when no severance has been granted.
10-13	Case called for sentencing. Deft. present & represented. Govt. represented. Deft. & co. asked if they have anything to say before sentencing is pronounced: Judgment & Sentence - Roy Edward Carter Atty. Gen. - Eight (8) years until discharged by the Young Adult Offender Division as provided in Secs. 4216:5010(c) & 5017(d) of the YCA. Deft. remanded to USM.(AEB-J)b						T. Continuances Granted per 3161(h) (8) (i.e. ends of justice or complexity of case outweighs defendants' interests).
							U. Time between guilty plea and plea withdrawal.
							W. Grand Jury indictment extended per 3161 (b).

FINE AND RESTITUTION PAYMENTS

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
1976	(Document No.)				
10-13	Judgment & Commitment, filed & entered. (AEB-J)b				
10-13	Two c/c of J&C to USM. b				
10-13	WHCAP, ret. & filed: deft. Roy Edward Carter transported from Rogers County Jail to USDC, Tulsa and returned to Rogers County Jail on 10-5-76.s				
10-19	WHCAP, ret. & filed: deft. transported from Rogers County Jail, Claremore, to Tulsa on 10-13-76, and returned on 10-13-76. g				
10-19	W/Arrest, ret. & filed unexecuted. g				
11-2	U.S. Marshal's return on J & C., filed. Executed by delivering deft. to Rogers County Jail, Claremore, Okla. on 10-13-76 and by delivering deft. to FCI at El Reno, Okla. on 10-27-76.s				
<u>1977</u>					
2-3	Deft's mot. for reduction of sentence, filed.s Cy to Dene				
2-3	Brf. in support of mot. for reduction of sentence, filed.s Cy to Dene				
2-7	Order, filed, overruling motion for modification of sentence. (AEB-J)g cp. mld.				
<u>1980</u>					
9-17	MOTION to vacate (2255).mm (80-c-536)				
11-13	ORDER, Govt. is to file a response to Deft. mot. to vacate by 12-3-80. (HDC-J)ho c/m				
11-19	ANSWER of pltf. USA to deft Carter's Title 28, U.S.C. §2255 motion.mm				
12-4	TRANSCRIPTS of proceedings had on 10-13-76 of sentencing.(GRD-CSR) 14pgs.am				
12-4	TRANSCRIPTS of proceedings had on 10-5-76 on plea of guilty.(GRD-CSR) 15pgs.am				
12-8	ORDER entered that sentence previously imposed is corrected to provide for his treatment and supervision until discharged under FYCA, 18 USC §§ 5010(b) and 5017(c).(HDC-J)rm c/m				
6-7-82	CERTIFICATE setting aside conviction of Roy Edwards Carter. jc				

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

[illegible]